

## STATE OF MINNESOTA

## EIGHTY-THIRD SESSION — 2004

---

 NINETY-SEVENTH DAY

SAINT PAUL, MINNESOTA, MONDAY, APRIL 26, 2004

The House of Representatives convened at 3:00 p.m. and was called to order by Steve Sviggum, Speaker of the House.

Prayer was offered by Karoline Pöggel, an exchange student from Butow, Germany, who is attending Cooper High School in New Hope, Minnesota.

The members of the House gave the pledge of allegiance to the flag of the United States of America.

The roll was called and the following members were present:

Abeler	DeLaForest	Hilty	Latz	Osterman	Slawik
Abrams	Demmer	Holberg	Lenczewski	Otremba	Soderstrom
Adolphson	Dempsey	Hoppe	Lesch	Otto	Solberg
Anderson, B.	Dill	Hornstein	Lieder	Ozment	Stang
Anderson, I.	Dorman	Howes	Lindner	Paulsen	Swenson
Anderson, J.	Dorn	Huntley	Lipman	Paymar	Sykora
Atkins	Eastlund	Jacobson	Magnus	Pelowski	Thissen
Beard	Eken	Jaros	Mahoney	Penas	Tingelstad
Bernardy	Ellison	Johnson, J.	Mariani	Peterson	Urdahl
Biernat	Entenza	Johnson, S.	Marquart	Powell	Vandevor
Blaine	Erhardt	Juhnke	McNamara	Pugh	Wagenius
Borrell	Erickson	Kahn	Mullery	Rhodes	Walker
Boudreau	Fuller	Kelliher	Murphy	Rukavina	Walz
Bradley	Gerlach	Klinzing	Nelson, C.	Ruth	Wardlow
Brod	Goodwin	Knoblach	Nelson, M.	Samuelson	Wasiluk
Buesgens	Greiling	Koenen	Nelson, P.	Seagren	Westerberg
Carlson	Haas	Kohls	Newman	Seifert	Westrom
Cornish	Hackbarth	Krinkie	Nornes	Sertich	Wilkin
Cox	Hausman	Kuisle	Olsen, S.	Severson	Zellers
Davids	Heidgerken	Lanning	Olson, M.	Sieben	Spk. Sviggum
Davnie	Hilstrom	Larson	Opatz	Simpson	

A quorum was present.

Clark, Finstad, Gunther, Harder, Lindgren, Meslow, Smith and Strachan were excused.

Thao was excused until 4:05 p.m.

The Chief Clerk proceeded to read the Journal of the preceding day. Wardlow moved that further reading of the Journal be suspended and that the Journal be approved as corrected by the Chief Clerk. The motion prevailed.

#### REPORTS OF CHIEF CLERK

S. F. No. 1758 and H. F. No. 1857, which had been referred to the Chief Clerk for comparison, were examined and found to be identical.

Meslow moved that S. F. No. 1758 be substituted for H. F. No. 1857 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 1875 and H. F. No. 2020, which had been referred to the Chief Clerk for comparison, were examined and found to be identical.

Walker moved that S. F. No. 1875 be substituted for H. F. No. 2020 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 2265 and H. F. No. 2216, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

#### SUSPENSION OF RULES

Stang moved that the rules be so far suspended that S. F. No. 2265 be substituted for H. F. No. 2216 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 2593 and H. F. No. 2410, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

#### SUSPENSION OF RULES

Mullery moved that the rules be so far suspended that S. F. No. 2593 be substituted for H. F. No. 2410 and that the House File be indefinitely postponed. The motion prevailed.

#### SECOND READING OF SENATE BILLS

S. F. Nos. 1758, 1875, 2265 and 2593 were read for the second time.

#### MESSAGES FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker:

I hereby announce the passage by the Senate of the following Senate Files, herewith transmitted:

S. F. Nos. 2241, 806, 1115 and 1922.

PATRICK E. FLAHAVEN, Secretary of the Senate

**FIRST READING OF SENATE BILLS**

S. F. No. 2241, A bill for an act relating to state government operations; appropriating money for technology projects.

The bill was read for the first time.

Haas moved that S. F. No. 2241 and H. F. No. 2340, now on the General Register, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 806, A bill for an act relating to retirement; various retirement plans; modifying the responsibilities to provide actuarial valuations and proposed legislative cost estimates; reducing an appropriation; amending Minnesota Statutes 2002, sections 352.03, subdivision 6; 352B.02, subdivision 1e; 353.03, subdivision 3a; 354.06, subdivision 2a; 354A.021, subdivision 7; 356.215, subdivisions 2, 18; 422A.06, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 356; repealing Minnesota Statutes 2002, sections 3.85, subdivisions 11, 12; 356.217.

The bill was read for the first time and referred to the Committee on Ways and Means.

S. F. No. 1115, A bill for an act relating to telecommunications; regulating third-party billing on telecommunications bills; modifying provisions for alternative forms of regulation of telephone companies; amending Minnesota Statutes 2002, sections 237.766; 237.773, subdivision 3; proposing coding for new law in Minnesota Statutes, chapter 237.

The bill was read for the first time.

Beard moved that S. F. No. 1115 and H. F. No. 979, now on the General Register, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 1922, A bill for an act relating to insurance; regulating underwriting of homeowner's insurance; amending Minnesota Statutes 2002, section 65A.30.

The bill was read for the first time.

Nelson, M., moved that S. F. No. 1922 and H. F. No. 2801, now on the General Register, be referred to the Chief Clerk for comparison. The motion prevailed.

**CALENDAR FOR THE DAY**

H. F. No. 2446, A bill for an act relating to state government finance; authorizing principles, criteria, and procedures for consolidating and eliminating certain funds and accounts; requiring reports; making technical and clarifying changes to provisions related to the budget process; amending Minnesota Statutes 2002, sections 3.23; 3.98, subdivision 3; 15.16, subdivision 5; 16A.102, subdivision 2, by adding a subdivision; 16A.53, subdivision 1, by adding subdivisions; 16A.531, by adding a subdivision; 16A.641, subdivision 2; 16B.24, subdivision 3; 16B.31,

subdivision 3; 85A.02, subdivision 5a; 115A.557, subdivision 4; 116O.071, subdivision 3; 116P.08, subdivision 3; 144.701, subdivision 4; 245.90; 270.063, subdivision 1; 270.71; Minnesota Statutes 2003 Supplement, sections 16A.102, subdivision 1; 84.026; 116J.966, subdivision 1.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 125 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeler	DeLaForest	Hilty	Latz	Osterman	Slawik
Abrams	Demmer	Holberg	Lenczewski	Otremba	Soderstrom
Adolphson	Dempsey	Hoppe	Lesch	Otto	Solberg
Anderson, B.	Dill	Hornstein	Lieder	Ozment	Stang
Anderson, I.	Dorman	Howes	Lindner	Paulsen	Swenson
Anderson, J.	Dorn	Huntley	Lipman	Paymar	Sykora
Atkins	Eastlund	Jacobson	Magnus	Pelowski	Thissen
Beard	Eken	Jaros	Mahoney	Penas	Tingelstad
Bernardy	Ellison	Johnson, J.	Mariani	Peterson	Urdahl
Biernat	Entenza	Johnson, S.	Marquart	Powell	Vandever
Blaine	Erhardt	Juhnke	McNamara	Pugh	Wagenius
Borrell	Erickson	Kahn	Mullery	Rhodes	Walker
Boudreau	Fuller	Kelliher	Murphy	Rukavina	Walz
Bradley	Gerlach	Klinzing	Nelson, C.	Ruth	Wardlow
Brod	Goodwin	Knoblach	Nelson, M.	Samuelson	Wasiluk
Buesgens	Greiling	Koenen	Nelson, P.	Seagren	Westerberg
Carlson	Haas	Kohls	Newman	Seifert	Westrom
Cornish	Hackbarth	Krinkie	Nornes	Sertich	Wilkin
Cox	Hausman	Kuisle	Olsen, S.	Severson	Zellers
Davids	Heidgerken	Lanning	Olson, M.	Sieben	Spk. Sviggum
Davnie	Hilstrom	Larson	Opatz	Simpson	

The bill was passed and its title agreed to.

H. F. No. 1392, A bill for an act relating to cities; allowing the charter to prohibit members of the governing body of the city from serving on the charter commission; amending Minnesota Statutes 2002, section 410.05, subdivision 1.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 125 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeler	Anderson, J.	Blaine	Buesgens	Davnie	Dorman
Abrams	Atkins	Borrell	Carlson	DeLaForest	Dorn
Adolphson	Beard	Boudreau	Cornish	Demmer	Eastlund
Anderson, B.	Bernardy	Bradley	Cox	Dempsey	Eken
Anderson, I.	Biernat	Brod	Davids	Dill	Ellison

Entenza	Howes	Larson	Nelson, P.	Pugh	Sykora
Erhardt	Huntley	Latz	Newman	Rhodes	Thissen
Erickson	Jacobson	Lenczewski	Nornes	Rukavina	Tingelstad
Fuller	Jaros	Lesch	Olsen, S.	Ruth	Urdahl
Gerlach	Johnson, J.	Lieder	Olson, M.	Samuelson	Vandever
Goodwin	Johnson, S.	Lindner	Opatz	Seagren	Wagenius
Greiling	Juhnke	Lipman	Osterman	Seifert	Walker
Haas	Kahn	Magnus	Otremba	Sertich	Walz
Hackbarth	Kelliher	Mahoney	Otto	Severson	Wardlow
Hausman	Klinzing	Mariani	Ozment	Sieben	Wasiluk
Heidgerken	Knoblach	Marquart	Paulsen	Simpson	Westerberg
Hilstrom	Koenen	McNamara	Paymar	Slawik	Westrom
Hilty	Kohls	Mullery	Pelowski	Soderstrom	Wilkin
Holberg	Krinkie	Murphy	Penas	Solberg	Zellers
Hoppe	Kuisle	Nelson, C.	Peterson	Stang	Spk. Sviggum
Hornstein	Lanning	Nelson, M.	Powell	Swenson	

The bill was passed and its title agreed to.

S. F. No. 2300, A bill for an act relating to redistricting; adjusting the boundary between house districts 41A and 41B to correct an error; proposing coding for new law in Minnesota Statutes, chapter 2.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 125 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeler	DeLaForest	Hilty	Latz	Osterman	Slawik
Abrams	Demmer	Holberg	Lenczewski	Otremba	Soderstrom
Adolphson	Dempsey	Hoppe	Lesch	Otto	Solberg
Anderson, B.	Dill	Hornstein	Lieder	Ozment	Stang
Anderson, I.	Dorman	Howes	Lindner	Paulsen	Swenson
Anderson, J.	Dorn	Huntley	Lipman	Paymar	Sykora
Atkins	Eastlund	Jacobson	Magnus	Pelowski	Thissen
Beard	Eken	Jaros	Mahoney	Penas	Tingelstad
Bernardy	Ellison	Johnson, J.	Mariani	Peterson	Urdahl
Biernat	Entenza	Johnson, S.	Marquart	Powell	Vandever
Blaine	Erhardt	Juhnke	McNamara	Pugh	Wagenius
Borrell	Erickson	Kahn	Mullery	Rhodes	Walker
Boudreau	Fuller	Kelliher	Murphy	Rukavina	Walz
Bradley	Gerlach	Klinzing	Nelson, C.	Ruth	Wardlow
Brod	Goodwin	Knoblach	Nelson, M.	Samuelson	Wasiluk
Buesgens	Greiling	Koenen	Nelson, P.	Seagren	Westerberg
Carlson	Haas	Kohls	Newman	Seifert	Westrom
Cornish	Hackbarth	Krinkie	Nornes	Sertich	Wilkin
Cox	Hausman	Kuisle	Olsen, S.	Severson	Zellers
Davids	Heidgerken	Lanning	Olson, M.	Sieben	Spk. Sviggum
Davnie	Hilstrom	Larson	Opatz	Simpson	

The bill was passed and its title agreed to.

H. F. No. 2017, A bill for an act relating to insurance; regulating the joint underwriting association; modifying coverage; amending Minnesota Statutes 2002, section 62F.04, by adding a subdivision.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 125 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeler	DeLaForest	Hilty	Latz	Osterman	Slawik
Abrams	Demmer	Holberg	Lenczewski	Otremba	Soderstrom
Adolphson	Dempsey	Hoppe	Lesch	Otto	Solberg
Anderson, B.	Dill	Hornstein	Lieder	Ozment	Stang
Anderson, I.	Dorman	Howes	Lindner	Paulsen	Swenson
Anderson, J.	Dorn	Huntley	Lipman	Paymar	Sykora
Atkins	Eastlund	Jacobson	Magnus	Pelowski	Thissen
Beard	Eken	Jaros	Mahoney	Penas	Tingelstad
Bernardy	Ellison	Johnson, J.	Mariani	Peterson	Urdahl
Biernat	Entenza	Johnson, S.	Marquart	Powell	Vandever
Blaine	Erhardt	Juhnke	McNamara	Pugh	Wagenius
Borrell	Erickson	Kahn	Mullery	Rhodes	Walker
Boudreau	Fuller	Kelliher	Murphy	Rukavina	Walz
Bradley	Gerlach	Klinzing	Nelson, C.	Ruth	Wardlow
Brod	Goodwin	Knoblach	Nelson, M.	Samuelson	Wasiluk
Buesgens	Greiling	Koenen	Nelson, P.	Seagren	Westerberg
Carlson	Haas	Kohls	Newman	Seifert	Westrom
Cornish	Hackbarth	Krinkie	Nornes	Sertich	Wilkin
Cox	Hausman	Kuisle	Olsen, S.	Severson	Zellers
Davids	Heidgerken	Lanning	Olson, M.	Sieben	Spk. Sviggum
Davnie	Hilstrom	Larson	Opatz	Simpson	

The bill was passed and its title agreed to.

H. F. No. 2386 was reported to the House.

Osterman moved to amend H. F. No. 2386, the fourth engrossment, as follows:

Page 42, line 12, delete "268.029;"

Page 42, line 16, after "268.95," insert "subdivisions 1, 2, 3, and 5,"

Page 42, line 18, after "3;" insert "268.029;"

Amend the title accordingly

The motion prevailed and the amendment was adopted.

H. F. No. 2386, A bill for an act relating to state government; merging the Department of Economic Security and the Department of Employment and Economic Development; making corresponding technical and housekeeping changes; amending Minnesota Statutes 2002, sections 3.922, subdivision 10; 15.0591, subdivision 2; 116J.01,

subdivisions 4, 5; 116J.035, subdivision 2; 116J.551; 116J.64, subdivisions 4, 5, 7, 8, 9, by adding a subdivision; 119A.46, subdivision 8; 144.9503, subdivision 1; 171.321, subdivision 2; 181.73, subdivision 1; 216C.10; 242.39, subdivision 3; 246.56, subdivision 1; 256J.08, subdivision 52; 268.001; 268.0111, subdivision 4; 268.0122, subdivision 1; 268.29; 268.66, as amended; 268.665, as amended; 268.976, subdivision 2; 268A.01, subdivision 5; Minnesota Statutes 2003 Supplement, sections 15.01; 15.057; 15.06, subdivision 1; 15A.0815, subdivision 2; 16C.05, subdivision 3; 116J.011; 116J.401; 116J.64, subdivision 6; 116J.966, subdivision 1; 116J.980, subdivision 1; 116J.994, subdivisions 9, 10; 116M.15, subdivision 1; 248.07, subdivision 8; 256.482, subdivision 1; 256C.233, subdivision 1; 268.014; 268.022, subdivision 1; 268.363; 462A.04, subdivisions 1, 4; proposing coding for new law in Minnesota Statutes, chapters 116J; 268A; repealing Minnesota Statutes 2002, sections 116J.036; 116J.414; 268.0111, subdivisions 1, 2, 3a, 4a; 268.0121, subdivisions 1, 2; 268.0122, subdivisions 2, 5, 6; 268.027; 268.028; 268.26, subdivisions 2, 3; 268.361, subdivision 3; 268.3661; 268.551; 268.552; 268.56, subdivision 2; 268.561, subdivision 10; 268.61, subdivision 2; 268.65, subdivisions 1, 3, 4, 5; 268.666, subdivision 5; 268.89; 268.918; 268.95, subdivisions 1, 2, 3, 5; Minnesota Statutes 2003 Supplement, sections 268.0122, subdivision 3; 268.029; 268.26, subdivision 1; 268.65, subdivision 2; 268.95, subdivision 4; 268.976, subdivision 1; Laws 2001, chapter 175, section 49; Minnesota Rules, parts 3300.0050; 3301.0180; 3301.0190; 3301.0200; 3301.0210; 3301.0220; 3301.0230; 3310.2903; 3310.2904; 3310.2905, subpart 1; 3310.2906; 3310.2907; 3310.2909; 3310.2918; 3315.0100; 3315.0202; 3315.0501, subparts 3, 4, 5; 3315.0510; 3315.0530, subpart 1; 3315.0535; 3315.0545; 3315.0555, subpart 5; 3315.0915; 3315.0920; 3315.1005, subpart 2; 3315.1015; 3315.1301, subparts 3, 6; 3315.1305; 3315.1310; 3315.1650, subpart 1; 3315.2410; 3315.2610; 3315.2750; 3315.2810, subparts 1, 3; 3315.3220, subpart 4; 3320.0010; 3320.0020; 3320.0030; 7380.0200; 7380.0210; 7380.0220; 7380.0230; 7380.0240; 7380.0500; 7380.0510; 7380.0520; 7380.0530; 7380.0540; 7380.0550; 7380.0560; 7380.0570; 7380.0580; 7380.0581; 7380.0582; 7380.0600; 7380.0610; 7380.0620; 7380.0630; 7380.0640; 7380.0650; 7380.0800; 7380.0810; 7380.0820; 7380.0830; 7380.0840.

The bill was read for the third time, as amended, and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 118 yeas and 8 nays as follows:

Those who voted in the affirmative were:

Abeler	Davnie	Hilstrom	Latz	Otremba	Soderstrom
Abrams	DeLaForest	Holberg	Lenczewski	Otto	Solberg
Adolphson	Demmer	Hoppe	Lesch	Ozment	Stang
Anderson, B.	Dempsey	Hornstein	Lindner	Paulsen	Swenson
Anderson, I.	Dill	Howes	Lipman	Paymar	Sykora
Anderson, J.	Dorman	Huntley	Magnus	Pelowski	Thao
Atkins	Dorn	Jacobson	Mahoney	Penas	Thissen
Beard	Eastlund	Johnson, J.	Marquart	Peterson	Tingelstad
Bernardy	Eken	Johnson, S.	McNamara	Powell	Urdahl
Biernat	Ellison	Juhnke	Mullery	Pugh	Vandever
Blaine	Entenza	Kahn	Murphy	Rhodes	Wagenius
Borrell	Erhardt	Kelliher	Nelson, C.	Ruth	Walz
Boudreau	Erickson	Klinzing	Nelson, M.	Samuelson	Wardlow
Bradley	Fuller	Knoblach	Nelson, P.	Seagren	Westerberg
Brod	Gerlach	Koenen	Newman	Seifert	Westrom
Buesgens	Greiling	Kohls	Nornes	Sertich	Wilkin
Carlson	Haas	Krinkie	Olsen, S.	Severson	Zellers
Cornish	Hackbarth	Kuisle	Olson, M.	Sieben	Spk. Sviggum
Cox	Hausman	Lanning	Opatz	Simpson	
Dauids	Heidgerken	Larson	Osterman	Slawik	

Those who voted in the negative were:

Goodwin	Jaros	Mariani	Walker
Hilty	Lieder	Rukavina	Wasiluk

The bill was passed, as amended, and its title agreed to.

S. F. No. 2009, A bill for an act relating to state government; transferring tourism functions from Department of Employment and Economic Development to Explore Minnesota Tourism; appropriating money; amending Minnesota Statutes 2002, sections 116J.01, subdivision 5; 160.276, subdivision 5; Minnesota Statutes 2003 Supplement, sections 15.057; 15.75, subdivision 5; 116J.60; 161.20, subdivision 3; 270B.14, subdivision 13; proposing coding for new law as Minnesota Statutes, chapter 116U; repealing Minnesota Statutes 2002, sections 116J.01, subdivision 4; 116J.036; 116J.615; 116J.616; 116J.63, subdivision 4.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 126 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeler	DeLaForest	Hilty	Latz	Osterman	Slawik
Abrams	Demmer	Holberg	Lenczewski	Otremba	Soderstrom
Adolphson	Dempsey	Hoppe	Lesch	Otto	Solberg
Anderson, B.	Dill	Hornstein	Lieder	Ozment	Stang
Anderson, I.	Dorman	Howes	Lindner	Paulsen	Swenson
Anderson, J.	Dorn	Huntley	Lipman	Paymar	Sykora
Atkins	Eastlund	Jacobson	Magnus	Pelowski	Thao
Beard	Eken	Jaros	Mahoney	Penas	Thissen
Bernardy	Ellison	Johnson, J.	Mariani	Peterson	Tingelstad
Biernat	Entenza	Johnson, S.	Marquart	Powell	Urdahl
Blaine	Erhardt	Juhnke	McNamara	Pugh	Vandever
Borrell	Erickson	Kahn	Mullery	Rhodes	Wagenius
Boudreau	Fuller	Kelliher	Murphy	Rukavina	Walker
Bradley	Gerlach	Klinzing	Nelson, C.	Ruth	Walz
Brod	Goodwin	Knobloch	Nelson, M.	Samuelson	Wardlow
Buesgens	Greiling	Koenen	Nelson, P.	Seagren	Wasiluk
Carlson	Haas	Kohls	Newman	Seifert	Westerberg
Cornish	Hackbarth	Krinkie	Nornes	Sertich	Westrom
Cox	Hausman	Kuisle	Olsen, S.	Severson	Wilkin
Davids	Heidgerken	Lanning	Olson, M.	Sieben	Zellers
Davnie	Hilstrom	Larson	Opatz	Simpson	Spk. Sviggum

The bill was passed and its title agreed to.

Paulsen moved that the remaining bill on the Calendar for the Day be continued. The motion prevailed.

**MOTIONS AND RESOLUTIONS**

Abrams moved that the name of Bernardy be added as an author on H. F. No. 2643. The motion prevailed.

Hackbarth moved that H. F. No. 1716 be recalled from the Committee on Governmental Operations and Veterans Affairs Policy and be re-referred to the Committee on Taxes. The motion prevailed.

**ADJOURNMENT**

Paulsen moved that when the House adjourns today it adjourn until 12:30 p.m., Wednesday, April 28, 2004. The motion prevailed.

Paulsen moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 12:30 p.m., Wednesday, April 28, 2004.

EDWARD A. BURDICK, Chief Clerk, House of Representatives

